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CHAPTER XITRANSFERS1101 POLICY REGARDING TRANSFER OF DETAINEES, PRISONERS AND  
AWARDEES FROM THE WATERFRONT BRIGS/CCUS

The Navy Corrections Program goal is to separate those personnel being discharged from the naval service upon completion of confinement from those personnel who are returning to duty upon completion of confinement, to the maximum extent possible. The following procedures outline transfer policy for waterfront brigs/CCU's to accomplish this goal.

a. Detainees. Transfer of detainees between brigs is not authorized, except where transient individuals are being held for further transfer back to their parent commands or to the commands to which assigned for disciplinary action (e.g., persons being escorted by Naval Absentee Collection Unit). Afloat units with brigs must transfer detainees to an ashore waterfront brig/CCU at the first opportunity. In these instances, no prior approval of transfers is required.

(1) If a ship is deployed and finds it necessary to place an individual in pretrial confinement in a brig away from its homeport and subsequently desires to have the detainee transferred to the waterfront brig at its homeport, the ship may request such a transfer but must provide escort(s) and funding to effect the transfer. The transferring brig will obtain approval from the major claimant prior to effecting such a transfer. If the transfer is intra-claimancy, the major claimant is the transferring authority. For other transfers, authority must be obtained by the major claimant from CHNAVPERS (Pers-84) prior to effecting such a transfer.

(2) If a detainee's life or safety is seriously threatened the major claimant may direct transfer to another waterfront brig/CCU within the claimancy.

b. Post-trial Prisoners With Punitive Discharges. All post-trial prisoners who receive a punitive discharge as a part of the sentence, which is not subject to suspension by any pretrial agreement, shall be transferred to the Naval Consolidated Brig, Miramar, San Diego, CA or Naval Consolidated Brig, Charleston, 1050 Remount Road, Building 3105, Charleston, SC provided the prisoner will have 31 days or more to serve in confinement upon arrival at the consolidated brig. CHNAVPERS (Pers-84) is responsible for designating who will provide escorts and for providing funding for the escort(s) to effect transfer between a

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waterfront brig/CCU and a consolidated brig. The prisoner transfer constitutes a Permanent Change of Station (PCS) move and accounting data is provided in the Financial Handbook. Transfers from waterfront brig/CCU's to consolidated brig's will be coordinated between major claimant and CHNAVPERS (Pers-84).

c. Post-trial prisoners being administratively separated or recommended for administrative separation upon completion of confinement. Prisoners whose offense requires mandatory processing for administrative separation and those who are recommended for administrative separation by the waterfront brig/CCU disposition board and/or the TPU/station having administrative control of the prisoner shall be transferred to the Naval Consolidated Brig, Naval Air Station, Miramar, San Diego, CA or Naval Consolidated Brig, Charleston, 1050 Remount Road, Building 3105, Charleston, SC as appropriate for continued confinement. Such prisoners must have 31 days or more remaining to serve on their sentence upon arrival at the consolidated brig.

NOTE: Because prisoners have the right to request the same defense counsel at an Administrative Separation Board Hearing as they had for court-martial, the Administrative Separation Board must be conducted prior to transfer to a consolidated brig or the prisoner must have signed a waiver of his or her right to have an Administrative Separation Board hearing. In San Diego, CA and Charleston, SC, all prisoners are sent to the consolidated brig's, regardless of their status. CHNAVPERS (Pers-84) is responsible for designating who will provide escorts and for providing funding for escort(s) to effect transfer of prisoners between a waterfront brig/CCU and a consolidated brig. Prisoner transfers constitute a PCS move and accounting data is provided in the Financial Handbook. Transfers of these prisoners between a waterfront brig and a consolidated brig shall be coordinated by major claimant and CHNAVPERS (Pers-84).

d. Officer Prisoners. Post-trial officer prisoners who receive confinement as part of the sentence shall be confined at the nearest naval brig that can provide the required separation. The officer's command shall immediately request CHNAVPERS (Pers-84) to designate the place of confinement. In most cases the officer will be confined at the U.S. Disciplinary Barracks, Fort Leavenworth, KS. Once CHNAVPERS (Pers-84) issues transfer orders, officer prisoners will be immediately transferred to the designated place of confinement. Since this constitutes a PCS move, CHNAVPERS (Pers-84) will provide accounting data. If sentences are less than 31 days, officers will normally be sent to a consolidated brig on command-issued Temporary Additional Duty (TAD) orders. The officer's command is responsible for

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escorts and funding to effect the transfer of an officer from a waterfront brig/CCU to the designated place of confinement. At least one escort shall be an officer of equal or higher rank than the officer prisoner.

e. Female Prisoners. Places of confinement for female prisoners will be in conformance with BUPERSINST 1640.17C. CHNAVPERS (Pers-84) is responsible for designating who will provide escorts and funding of escorts to effect brig to brig transfers of post-trial female prisoners. The female prisoner transfer constitutes a PCS transfer and accounting data is provided in the Financial Handbook. Transfers will be coordinated by major claimants and CHNAVPERS (Pers-84).

f. Prisoners of Other Services. Other services having prisoners confined in waterfront brig/CCU's shall conform with the transfer policy outlined for Navy prisoners. Post-trial prisoners of other services who have a punitive discharge, that is not subject to suspension under a pretrial agreement, as a part of the sentence of a court-martial shall be transferred from the waterfront brig/CCU to a confinement facility of the members' own service within a short period (1 to 2 weeks) after the court-martial. The fact that the convening authority has not taken action will not allow the prisoner to remain at the waterfront brig/CCU. However, as a matter of policy, prisoners of other services who have a punitive discharge but have 30 days or less remaining to serve on the sentence on the date of court-martial may be allowed to serve their confinement at the waterfront brig. All prisoners of other services who are returning to duty upon completion of confinement may serve their confinement at the waterfront brig/CCU, as is the case with Navy prisoners.

g. Awardees. The transfer of awardees is not authorized, except in emergency situations. Requests for transfer of awardees shall be submitted to the major claimant with full justification and will be dealt with on a case by case basis.

1102 DOCUMENTS REQUIRED UPON TRANSFER FROM A WATERFRONT BRIG/CCU TO A CONSOLIDATED BRIG

While it is not required that the convening authority have taken action on the court-martial prior to a prisoner being transferred to a consolidated brig from a waterfront brig/CCU, prisoners shall not be transferred in a disciplinary status. The waterfront brig/CCU is responsible for ensuring all disciplinary actions have been completed and no other court-martial is pending, nor is the prisoner needed to testify at the court-martial of other service members. If a prisoner is needed to

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testify at a court-martial, the prisoner shall be retained at the waterfront brig/CCU until testimony is completed and then transferred if requirements are still met. If any other unusual circumstances prevail that require a prisoner to remain at a waterfront brig/CCU, a request to retain the prisoner at the local brig shall be forwarded to the major claimant via telephone. The major claimant will make a recommendation to CHNAVPERs (Pers-84), who will make the final decision. Prisoners being discharged from the service will not, as a rule, be allowed to remain at a waterfront brig/CCU except in most unusual circumstances. Upon transfer the following records and documents will accompany a prisoner to the consolidated brig:

- a. The Prisoner Brig File. The original confinement order and all other original documents contained in the prisoner brig file shall be transferred to the consolidated brig with the prisoner. The transferring waterfront brig/CCU should make a copy of the confinement order and other pertinent documents that may be needed to respond to inquiries after the prisoner has been transferred.
- b. Service Record
- c. Health Record
- d. Pay Record
- e. Results of Trial
- f. Three certified copies of the court-martial order (if issued)
- g. One copy of all reviewing authority actions (if issued)
- h. DD 1476, Prisoner Admission Summary
- i. One copy of Pretrial Agreement, where applicable.

1103 BRIG DISPOSITION BOARD HEARING/CLEMENCY AND PAROLE PACKAGES FOR PRISONERS TRANSFERRED FROM A WATERFRONT BRIG TO A CONSOLIDATED BRIG

All prisoners who have an unsuspended punitive discharge are entitled to a Clemency and Parole Board hearing under the provisions of SECNAVINST 5815.3G. Accordingly, to assist the consolidated brig in conducting clemency and parole hearings, the waterfront brig/CCU will provide the following upon transfer:

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a. If the prisoner has been in confinement at the waterfront brig/CCU for 14 days or more, including pretrial confinement, and is scheduled to be released from confinement in 45 days or less, an Admission Summary and related forms (DD 1476, DD 1477, DD 1478 and DD 1479) shall be completed and forwarded upon transfer. The consolidated brig will conduct the Disposition Board and make recommendations concerning clemency and parole and will submit the clemency and parole package per SECNAVINST 5815.3G.

b. If the prisoner has been in the waterfront brig/CCU for 13 days or less an Admission Summary, without counselor recommendations, will be forwarded upon transfer.

**1104 TRANSFERS OF PRISONERS BETWEEN WATERFRONT BRIG/CCU'S AND BETWEEN AFLOAT AND ASHORE BRIGS**

In the event that it becomes necessary to transfer prisoners between waterfront brigs/CCU's or between ashore and afloat brigs, the following records and documents shall accompany the transfer:

a. The prisoner brig file, including the original confinement order and record of trial. The transferring brig should make a copy of the confinement order and any other pertinent information that might be needed to respond to inquiries after the individual is transferred.

b. Service Record

c. Health Record

d. Pay Record

e. Three certified copies of the court-martial order (if issued)

f. One copy of all reviewing actions (if issued)

g. Completed DD 1476, Prisoner Admission Classification Summary Data

h. Completed Clemency and Parole Board Package. If the individual is presently eligible for a Clemency and Parole Board hearing, the Brig Disposition Board must have been conducted and the Clemency and Parole Board package completed and mailed or a waiver of the Clemency and Parole Board hearing signed prior to transfer.

i. One copy of Pretrial Agreement, if applicable.

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1105 PRISONER PERSONAL PROPERTY/FUNDS AND VALUABLES

All authorized personal property and funds and valuables of a prisoner shall accompany the prisoner on any transfer between brigs. All property and funds and valuables shall be inventoried and receipted for using the NAVPERS 1640/17, Prisoner Inventory and Receipt of Valuables, Clothing and Personal Effects. Unauthorized items should have been mailed home or returned to parent commands at a prisoner's initial confinement (See Article 1314 in Chapter XIII).

Enclosure (1)

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